
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,
Plaintiff,

v.

PEDRO ALBERTO HERNANDEZ,
Defendant.

**MEMORANDUM DECISION AND
ORDER GRANTING THE UNITED
STATES' MOTION IN LIMINE**

Case No. 2:18-cr-00120-DN

District Judge David Nuffer

Plaintiff United States of America filed a motion in limine (“Motion”)¹ to prohibit Defendant Pedro Alberto Hernandez from offering into evidence the results of a forensic analysis report (the “Report”)² through a non-expert witness. The deadline to file a memorandum in opposition to the Motion was May 3, 2019.³ No opposition has been filed to the Motion.

The Report concludes that a latent fingerprint found on packaging material was not Hernandez’s. Elisa Farmer, a senior forensic scientist at the Utah Bureau of Forensic Services, prepared the Report. The Report is hearsay.⁴ And, unless Farmer testifies at trial, it is inadmissible,⁵ as it does not appear that any exception to the rule against hearsay applies.⁶

¹ Motion of United States in Limine (“Motion”), [docket no. 66](#), filed April 26, 2019.

² Forensic Analysis Report – Latent Prints, [docket no. 66-1](#), filed April 26, 2019.

³ Second Amended Trial Order ¶ 3, at 3, [docket no. 64](#), filed April 22, 2019.

⁴ [FED. R. EVID. 801\(c\)](#) (defining “hearsay” as an out-of-court statement offered “in evidence to prove the truth of the matter asserted in the statement”).

⁵ *Id.* 802 (hearsay is generally inadmissible).

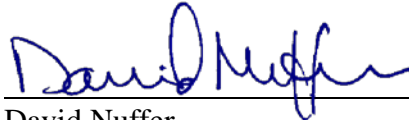
⁶ *See id.* 803 (setting forth exceptions to the rule against hearsay); *id.* 804 (same).

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Motion⁷ is GRANTED. Unless Farmer testifies at trial, Hernandez is prohibited from offering into evidence at trial the Report or any of its results.

Signed May 6, 2019.

BY THE COURT:



David Nuffer
United States District Judge

⁷ Motion, *supra* note 1.